

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

YVETTE S. SMITH o/b/o
E.P. (MINOR)

Plaintiff,

v.

JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL SECURITY
Defendant.

:
: CIVIL ACTION
: NO. 05-CV-6344
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ORDER

AND NOW, this ____ day of November, 2006, upon consideration of the parties' Motions for Summary Judgment (Docs. 10 & 13), and after careful review of the Report and Recommendation of United States Magistrate Judge Peter B. Scuderi (Doc. 15), **IT IS HEREBY ORDERED AND DECREED** that:

1. The Report and Recommendation dated October 18, 2006, is **APPROVED** and **ADOPTED**;¹
2. The Plaintiff's Motion for Summary Judgment is **DENIED**;
3. The Defendant's Motion for Summary Judgment is **GRANTED**; and
4. The Clerk of the Court shall mark the above-captioned case as **CLOSED**.

BY THE COURT:

/S/ **Petrese B. Tucker**

Hon. Petrese B. Tucker, U.S.D.J.

¹Plaintiff never filed objections to Magistrate Judge Scuderi's Report and Recommendation.